

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

MARIA G. SOSA, an individual,

No. C 12-00144 LB

Plaintiff,

ORDER DENYING REQUESTED
RELIEF

v.

BANK OF NEW YORK MELLON TRUST
COMPANY, N.A.; and DOES 1 through 20,
inclusive,

[ECF Nos. 49, 51, & 52]

Defendants.

On August 2, 2012, Plaintiff Maria Sosa filed a document titled “Plaintiff’s Notice of Voluntary Dismissal Without Prejudice Pursuant to FRCP Rule 41(a)(2).” ECF No. 49.¹ The object of Plaintiff’s “Notice” is her request “that this action be dismissed without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.” *See id.* at 2. Plaintiff also filed a Proposed Order Dismissing Entire Action Without Prejudice. ECF No. 51. Shortly thereafter, Defendant Bank of New York Mellon Trust Company, N.A. (“BNYM”) filed an application for an Order requesting the court to release Sosa’s bond payments to it. *See* ECF No. 52.

Plaintiff’s “Notice” requests dismissal “without prejudice” and thus should have been filed as a noticed motion under Civil Local Rule 7-2. Accordingly, the court DENIES the relief requested in

¹ Citations are to the Electronic Case File (“ECF”), with pin cites to the court-generated page numbers at the top of the document.

1 ECF Nos. 49 & 51 without prejudice.

2 Plaintiff may file a motion seeking the relief requested in ECF No. 49 accompanied by a
3 proposed order similar to ECF No. 51. Plaintiff's motion must comply with all applicable rules
4 including (but not limited to) Civil Local Rules 7-2 & 7-5.

5 BNYM's Application for an Order indicates that it was filed in response to Plaintiff's "Notice."
6 See ECF No. 52 at 3 (referring to ECF No. 49). Accordingly, BNYM's Application is also DENIED
7 without prejudice. To allow for the orderly adjudication of BNYM's claim, it may re-file its
8 Application as a noticed motion under Civil Local Rule 7-2.

9 This disposes of ECF Nos. 49, 51, & 52.

10 **IT IS SO ORDERED.**

11 Dated: August 2, 2012



12 LAUREL BEELER
13 United States Magistrate Judge
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